

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of BRETT PEMBROKE and
BRANDANIEL PEMBROKE, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

KELLY CARPENTER,

Respondent-Appellant,

and

PATRICK PEMBROKE,

Respondent.

UNPUBLISHED

September 25, 1998

No. 200994

Genesee Juvenile Court

LC No. 94-099720 NA

Before: Holbrook, Jr., P.J., and Wahls and Cavanagh, JJ.

MEMORANDUM.

Respondent-appellant Kelly Carpenter appeals as of right from an order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (ii), (g), and (j); MSA 27.3178(598.19b)(3)(c)(i) and (ii), (g), and (j).¹ We affirm.

In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination has been met by clear and convincing evidence. *In re McIntyre*, 192 Mich App 47, 50; 480 NW2d 293 (1991). Once a statutory ground for termination has been met by clear and convincing evidence, the court shall order termination of parental rights, unless the parent provides some evidence from which the court could conclude that termination is clearly not in the best interests of the children. MCL 712A.19b(5); MSA 27.3178(598.19b)(5); *In re Hall-Smith*, 222 Mich App 470,

473; 564 NW2d 156 (1997). The trial court's decision regarding termination is reviewed in its entirety for clear error. *In re Hall-Smith, supra* at 472.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. The evidence showed that respondent-appellant did not comply with important aspects of the FIA's service plan to assist her in rectifying the conditions that led to adjudication. The evidence also showed that there was a reasonable likelihood that the children would be harmed if they were returned to respondent-appellant's care. Furthermore, the evidence established that, without regard to intent, there was no reasonable expectation that respondent-appellant would be able to provide proper care and custody within a reasonable time considering the ages of the children. Finally, the trial court did not clearly err in finding that respondent-appellant failed to provide some evidence from which it could conclude that termination was clearly not in the best interests of the children. Thus, the trial court did not err in terminating respondent-appellant's parental rights.

Affirmed.

/s/ Donald E. Holbrook, Jr.
/s/ Myron H. Wahls
/s/ Mark J. Cavanagh

¹ The trial court terminated the parental rights of respondent Patrick Pembroke pursuant to MCL 27A.19b(3)(a); MSA 27.3178(598.19b)(3)(a). Pembroke is not a party to this appeal.